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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael Wayne Graham et al.

Serial No. : 10/821,726

Examiner : Vivlemore, Tracey A.

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Art Unit : 1635

For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

30 Rockefeller Plaza  
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October 5, 2009

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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Sir:

**COMMUNICATION IN RESPONSE TO SEPTEMBER 4, 2009 NOTICE OF  
NON-COMPLIANT AMENDMENT (37 C.F.R. § 1.121)**

This Communication is submitted in response to the September 4, 2009 Notice of Non-Compliant Amendment (37 C.F.R. § 1.121) issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the September 4, 2009 Notice of Non-Compliant Amendment is due October 4, 2009. However, because October 4, 2009 is a Sunday, a response filed the next succeeding business day, i.e. Monday, October 5, 2009, is considered timely under 37 C.F.R. §1.7. Accordingly, this response is being timely filed.